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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,082	06/25/2001	Kojiro Hamabe	14729	8771

23389 7590 06/10/2004

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,082

Applicant(s)

HAMABE, KOJIRO

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 30 and 40-44 is/are allowed.
6) ☒ Claim(s) 1,6,10,11,16,20,21,26,31 and 36 is/are rejected.
7) ☒ Claim(s) 2-5,7-9,12-15,17-19,22-25,27-29,32-35 and 37-39 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-5.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,6,10-11,16,20-21,26,31,36, are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson et la "Andersson" (6,594,499).

As to claims 1 and 21, Andersson discloses a transmission power control system a cellular communication system including a plurality of cells (figure 1) , a plurality of base stations(16,18,20,24,26) respectively arranged in respective of the plurality of cells (figure 1), mobile stations(30) located within the cells and control station provided in common for the plurality of base stations and transmitting control instruction for balance adjustment of transmission power to respective of the mobile stations from the base stations (column 5, lines 30-47, column 6, lines35 column 7, lines 25, column 8, lines 3-15), wherein the base station comprising controlling initiation of a balance adjustment

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period for performing the balance adjustment from a frame number determined the basis frame number of the balance adjustment period (column 8, lines 16-53).

As to claims 6 and 26, Andersson discloses the control means (12 and 14 of figure 1) resumes the balance adjustment period from a frame defined by the same rule as a rule determining initiation of the balance adjustment period when the frame number is varied from the maximum value to minimum value (column 8, line 55-column 9 line 2).

As to claim 10,20,29 Andersson discloses the control means sets an adjustment amount in the balanced adjustment at a value of predetermined ratio to a difference between the transmission power upon initiation of the balance adjustment period and a reference value (column 8 ,line 55-column 9, line 2).

As to claims 11 and 31, Andersson discloses a transmission power control system I a cellular communication system including a plurality of cells (figure 1), a plurality of base stations respectively arranged in respective of the plurality of cells, mobile stations located within the cells and control station provided in common for the plurality of base stations and transmitting control instruction for balance adjustment of transmission power to respective of the mobile stations from the base stations (column 5, lines 30-47, column 6, lines 35 column 7, lines 25, column 8, lines 3-15) wherein the base station comprising controlling initiation of a balance adjustment period for performing the balance adjustment from a frame number determined the basis frame number of the balance adjustment period, each base station(column 8, lines 16-53)..

At to claims 16, and 36, Andersson discloses the control means resumes the balance adjustment period from a frame defined by the same rule as a rule determining

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initiation of the balance adjustment period when the frame number is varied from the maximum value to minimum value (column 8, line 55-column 9 line 2).

As to claim 20, the control means sets an adjustment amount in the balanced adjustment at a value of predetermined ratio to a difference between the transmission power upon initiation of the balance adjustment period and a reference value. (column 8, line 55-column 9 line 2).

Allowable Subject Matter

4. Claims 2-5,7-9,12-15,17-19,22-25,27-28,32-35,37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 30 and 40-44 are allowed over the prior art. The following is an examiner's statement of reasons for allowance: the prior art does not teach the control station comprising means for selecting the Nperiod as value satisfying a relationship of $K \times N_{period} = CFN_{max}$ (k is integer) assuming that a frame number of transmission frame to the mobile station is CFN, the balance adjustment period is Nperiod frame, minimum value of the CFN is 1, maximum value is CFNmax or minimum value is 0 and maximum value is CFNmax -1. These limitations, in conjunction with rest of the limitation of the independent claim, have not been disclosed, taught, or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

June 4, 2004


TILAHUN GESESSE
PATENT EXAMINER

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